

MF : 11/23/21

Ar No. 21-8302MJ

DATE 01/28/2020	U. S. Pretrial Services and Probation Office Northern District of Ohio		VIOLATION REPORT Warrant or Summons Request			PROB 12C (Rev. 11/2017)
NAME SAENZ-LUNA, Jesus			PACTS 5020643	JUDGE CARR	DOCKET # 3:18CR00300-01	
SENTENCE DATE 09/17/2018	SUPERVISION TYPE TSR	CRIMINAL HIST III	OFFENSE LEV 10	PHOTO		
ASST. U.S. ATTORNEY Michael J. Freeman Michael.freeman2@usdoj.gov		DEFENSE ATTORNEY Neil S. McElroy Law.mcelroy@gmail.com				
REPORT PURPOSE JUDICIAL RESPONSE REQUESTED						
ORIGINAL OFFENSE Count 1: 8 U.S.C. §1326(a) and (b) – Unlawful Re-Entry after Deportation, a Class E felony						
SENTENCE DISPOSITION Time Served followed by 3 years unsupervised release with Deportation (deported 11/12/2018)						
SPECIAL CONDITIONS 1. Deportation						
The probation officer believes that the offender has violated the following condition(s) of supervision:						
VIOLATION NUMBER/DATE 1.	NATURE OF NONCOMPLIANCE New Law Violation – Mr. Saenz-Luna was charged with 8 U.S.C. § 1326 – Illegal Reentry in the District of Arizona					
ADJUSTMENT TO SUPERVISION On September 17, 2018, Mr. Saenz-Luna was sentenced to time served for Unlawful Re-Entry after Deportation. On November 12, 2018, he was deported to Mexico.						
On December 15, 2019, Mr. Saenz-Luna was charged with 8 U.S.C. § 1326 – Illegal Reentry in the District of Arizona under case 0970 2:19-09485M-001. He is currently detained in the United States Marshal Service custody where he will remain until the finalization of his new federal case.						
Plan of Action: At this time, a Warrant is being sought so that a violation hearing can be held to address the new law violation. Additionally, a Transfer of Jurisdiction is being requested so that the District of Arizona can address the supervised release violation at the same time as the sentencing of his new federal case.						
Pursuant to <i>U.S. v. Booker</i> and <i>U.S. v. Fanfan</i> , the following United States Sentencing Guideline applications are being provided to the Court solely for advisory purposes.						
SENTENCING OPTIONS Statutory Provisions: If the person on supervision violates a condition of supervised release, the Court may extend the term of supervised release and may modify, reduce or enlarge the conditions, 18 U.S.C. § 3583(e)(2) or revoke the term of supervised release, 18 U.S.C. § 3583(e)(3), or place a person on supervision under electronic monitoring (only as a special condition), 18 U.S.C. 18 § 3583(e)(4).						

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The PROTECT Act, which went into effect April 30, 2003, allows no adjustment for prison time for any previous revocation of supervised release. The permissible length of a new term of supervised release (TSR) is the authorized term of supervised release for the original offense minus the custody term imposed for any revocation. No credit is given for street time.

If the Court finds that the person on supervision has violated a condition of supervised release and decides to impose a term of imprisonment, it must consider, but can disregard, the policy statements in effect on the date the person under supervision is sentenced, 18 U.S.C. § 3553(a)(4)(B) and impose a sentence of imprisonment up to the statutory maximum. The Statutory Maximum in this case is 1 years, as the offence conviction is a class E felony, 18 U.S.C. § 3583(e)(3).

If the Court revokes supervised release and imposes a term of imprisonment that is less than the statutory maximum term of supervised release, it may pursuant to 18 U.S.C. § 3583(h), reimpose a term of supervised release. As the offense of conviction is a class E felony, the term of supervised release shall not exceed 1 years, 18 U.S.C. §3583(b)(3) less any term of imprisonment imposed upon revocation, 18 U.S.C. §3583(h).

Guidelines Provisions: Application of policy statements found in Chapter 7 of the Guideline Manual result in a revocation range of imprisonment of 5 to 11 months, U.S.S.G. § 7B1.4(a). The range of imprisonment is based on the most serious violation alleged being a Grade C violation, U.S.S.G. § 7B1.1(a)(3) and the person on supervision having a Criminal History Category of III, U.S.S.G. § 7B1.4, Application Note 1.

If the Court revokes supervised release and imposes a term of imprisonment, it may reimpose up to 1 years of supervised release, less any term of imprisonment imposed upon revocation of supervised release, U.S.S.G. § 7B1.3(g)(2). A Violation Worksheet is attached.

Pursuant to U.S.S.G. § 7B1.3(f), any term of imprisonment imposed upon the revocation of probation or supervised release shall be ordered to be served consecutively to any sentence of imprisonment that the person under supervision is serving, whether or not the sentence of imprisonment being served resulted from the conduct that is the basis of the revocation of probation or supervised release.

This completes the text of the report. Proceed to the signature page.

I declare under penalty of perjury that the foregoing is true and correct. U.S. PRETRIAL SERVICES & PROBATION OFFICER /s/Lisa R. Surman 216.357.7370	DISTRIBUTION COURT CPO
SUPERVISING U.S. PRETRIAL SERVICES & PROBATION OFFICER /s/Lisa R. Surman 216.357.7370	PROBATION ROUTING Data Entry Data Collections

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RECOMMENDING TO THE COURT

- Supervision to be Continued
- To issue a Warrant
- To issue a Summons
- Follow-up report to an Emergency Warrant issued on .

THE COURT ORDERS:

- The issuance of a Warrant.
- The issuance of a Summons.
- The request is denied.
- Supervision to be Continued.
- The referral of this case to the Magistrate Judge as designated by the Clerk's Office to conduct the appropriate proceedings, except for sentencing, if sentencing is necessary. If a revocation hearing is required, the assigned Magistrate Judge is to conduct the hearing and then file a report and recommendation.

Magistrate Judge Assigned _____ Choose an item.

- Alternative Judicial Order (Please Specify)

/s/ James G. Carr 1/28/20

Signature of Judicial Officer Date

02:38:49 p.m. 11-23-2021

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AO 442 (Rev.11/11) Arrest Warrant

UNITED STATES DISTRICT COURT
for the
Northern District of Ohio

United States of America

v.

)

)

Jesus R Saenz-Luna

)

)

Docket Number [0647 3:18CR00300]-{001}

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States Judge without unnecessary delay
(name of the person to be arrested) Jesus R Saenz-Luna

who is accused of an offense or violation based on the following document filed with the court:

Indictment Superseding Indictment Information Superseding Information Complaint
 Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

New Law Violation - Mr. Saenz-Luna was domestic violence

Date 2/18/2021

s/James G. Carr

Issuing officer's signature

City and state: Toledo

Ohio

James G. Carr, SENIOR UNITED STATES DISTRICT JUDGE

Printed name and title

Return

This warrant was received on *(date)* _____, and the person was arrested on *(date)* _____
 at *(city and state)* _____

Date: _____

*Arresting officer's signature**Printed name and title*